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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3994 OF 2006

Baban Sayaji Thopte & Anr. .. Applicants

Versus

State of Maharashtra .. Respondent

Mr.Kuldip S. Patil for applicants

Mr.Rajesh More, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 4th December 2006

P.C.

. Leave to amend, to correct name of Police Station. Amendments to be carried out forthwith.

2. Mr.Patil, upon taking instructions states that he does not press the application insofar as applicant No.1 Baban Sayaji Thopte is concerned. Application, insofar as applicant No.1 Baban Sayaji Thopte is concerned, is dismissed as not pressed with liberty to apply before the trial court at an appropriate stage.

3. As far as second applicant Gopi @ Gopal Khema Rathod is concerned, he is also arrested in connection with C.R.No.272 of 2006 registered with Bund Garden police station for offences punishable under section 302, 143, 147 and 148 of I.P.C.

4. From a perusal of the statement of the wife of deceased, a copy of which is annexed at Annexure A, it is apparent that the financial dealings between the deceased and the first applicant is the reason for alleged crime. Dealings are between first applicant and the deceased. As far as the second applicant is

concerned all that is alleged is that he has, together with, applicant No.1 and others conspired to kill the deceased. It is not disputed by the learned A.P.P. that the co-accused have been enlarged on bail. As far as applicant No.2 is concerned, there appears to be parity between his case and that of the co-accused. Investigations are complete and the charge sheet is filed. In such circumstances, applicant No.2 Gopi @ Gopal Khema Rathod deserves to be enlarged on bail on following conditions:-

i) The applicant No.2 Gopi @ Gopal Khema Rathod arrested in connection with C.R.No.272 of 2006 registered with Bund Garden Police Station shall be enlarged on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain

present before the concerned investigating officer of Bund Garden Police State once a week on every Saturday between 11.00 a.m. and 2.00 p.m. till conclusion of the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner

tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)